

**LITTLER MENDELSON, P.C.**

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*Wayfair LLC*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

DARRYL GAINES,

Plaintiff,

v.

WAYFAIR, LLC and JOHN DOES 1-5  
AND  
6-10,

Defendant.

Civil Action No. 1:21-cv-15843-KMW-EAP

**DEFENDANT'S  
NOTICE OF MOTION FOR  
SUMMARY JUDGMENT  
UNDER FED. R. CIV. P. 56**

**Motion Date: April 1, 2024**

**Oral Argument Requested**

*Via ECF*

**TO: Jacquelyn R. Matchett, Esq.  
Costello & Mains, LLC  
18000 Horizon Way, Suite 800  
Mt. Laurel, New Jersey 08054  
Attorneys for Plaintiff**

**PLEASE TAKE NOTICE** that on **April 1, 2024** or as soon as counsel may be heard, Defendant Wayfair LLC (improperly pled as "Wayfair, LLC") ("Defendant"), shall move, under FED. R. CIV. P. 56 and the Local Civil Rules for

the United States District Court for the District of New Jersey, and before the United States District Court for the District of New Jersey, Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Camden, New Jersey 08101, for an Order granting Defendant's Motion for Summary Judgment and dismissing Plaintiff Darryl Gaines's Complaint against Defendant in its entirety, with prejudice.

**PLEASE TAKE FURTHER NOTICE** that in support of the within motion, the undersigned attorneys for Defendant shall rely on their concurrently filed supporting brief, supporting Declarations of Rachel Simone Frey, Esq. and Shellie Weber, with attached exhibits, and a separate statement of undisputed material facts.

A proposed form of Order has been concurrently filed.

Dated: March 8, 2024

Respectfully submitted,

**LITTLER MENDELSON P.C.**

*/s/Rachel Simone Frey*

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